

# Notice of Allowability

Application No.

10/084,401

Examiner

Jeffery A. Brier

Applicant(s)

EVANS, LYNNE MARIE

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 5/11/2007.
2. ☒ The allowed claim(s) is/are 1,2,5,8-11,14,15,18,21-24,27-33,35-41,43-47,49-51 and 53-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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***Response to Amendment***

1. The amendment filed on 5/11/2007 has been entered and the amendments to claims 46, 47, 50, 51, and 53-56 overcomes the 35 USC 112 second paragraph rejection of those claims.

***Claim Renumbering***

2. The claims have been renumbered as follows:

Old claim no.	1	2	5	8	9	10	11	14	15	18	21	22	23	24	27	28	29	30	31	32
New claim no.	1	2	3	4	5	6	7	11	12	13	14	15	16	17	18	22	23	24	25	26

Old claim no.	33	35	36	37	38	39	40	41	43	44	45	46	47	49	50	51	53	54	55	56
New claim no.	27	28	31	32	33	34	35	36	37	38	8	9	10	19	20	21	29	30	39	40

***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

Independent claims 1 and 14:

These claims are very similar but they do have some differences. Claim 1 claims "to place a center of a further selected cluster outside of the anchor point on the vector and to limit overlap of the chosen cluster and the further selected cluster" and "to

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arrange one or more of the remaining selected clusters into an arrangement of clusters that each have a center originating outside of the anchor point and on the vector” both of which the prior of record fails to teach or suggest. Claim 14 claims “placing a center of a further selected cluster outside of the anchor point on the vector and limiting overlap of the chosen cluster and the further selected cluster” and “arranging one or more of the remaining selected clusters into an arrangement of clusters that each have a center originating outside of the anchor point and on the vector” both of which the prior of record fails to teach or suggest.

Independent claims 28 and 36:

These claims are very similar but they do have some differences. Claim 28 claims “to place a center of a further selected cluster outside of the anchor point on the vector and to limit overlap of the chosen cluster and the further selected cluster” and “to place the center of a selected cluster and to graft the clusters in the remaining placeable clusters lists in the grouping outside the anchor point and along the vector” both of which the prior of record fails to teach or suggest. Claim 36 claims “placing a center of a further selected cluster outside of the anchor point on the vector and limiting overlap of the chosen cluster and the further selected cluster” and “placing the center of a selected cluster and grafting the clusters in the remaining placeable clusters lists in the grouping outside the anchor point along the vector” both of which the prior of record fails to teach or suggest.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery A. Brier/  
Primary Examiner, Division 2628